

**DURHAM, NORTH CAROLINA
MONDAY, FEBRUARY 20, 2006
7:00 P.M.**

The Durham City Council met in regular session on the above date and time in the Council Chambers at City Hall with the following members present: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Clement, Stith and Woodard. Absent: None.

Also present: City Manager Patrick Baker, City Attorney Henry Blinder, City Clerk D. Ann Gray and Deputy City Clerk Linda Bratcher.

Mayor Bell called the meeting to order with a moment of silent meditation and the Pledge of Allegiance led by Council Member Clement.

Council Member Catotti extended birthday wishes to Council Member Woodard and congratulated PROUD for celebrating its 10th anniversary on February 9, 2006.

Mayor Pro Tempore Cole-McFadden thanked everyone involved in the City's Job Fair that was held Saturday.

Council Member Clement commended and recognized the City Employees Recognition Committee for its work in coordinating the Banquet held on February 14, 2006.

Council Member Woodard thanked the Budget staff for its work and the citizens for their input at the Coffee with Council sessions.

Council Member Brown announced he attended the grand opening of the Emily Krzyzewski Family Life Center.

Council Member Catotti welcomed Assistant City Manager Wanda Page to her first meeting.

Council Member Clement noted Coffee with Council sessions should be expanded to the areas of Northern Durham (Treyburn), Parkwood, SouthPoint, Woodlake, Woodcroft, etc. in order to allow these citizens an opportunity to meet with Council.

Council Member Woodard noted the locations of the six Coffee with Council sessions are within a two and an half mile radius of City Hall and Council should expand further out.

Council Member Clement asked the City Manager to place this item on the February 23, 2006 Work Session agenda for discussion.

Mayor Bell asked the City Manager, City Attorney and City Clerk for priority items.

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City Manager Baker congratulated the Purchasing Division on receiving the Sustained Professional Purchasing Award for the fourth consecutive year. Also, he introduced Wanda Page as the new Assistant City Manager, extended thanks to Budget Director Julie Brenman for serving as Interim Assistant City Manager and identified Kevin Neuman as the Interim Director of Audit Services.

There were no priority items from the City Attorney.

On behalf of Mayor Pro Tempore Cole-McFadden, City Clerk Gray requested that Council approve transfer of funds from Mayor Bell's expense account in the amount of \$823.61 where the Mayor Pro Tem represented the Mayor in Washington, DC during the week of February 6 and Council Member Clement's expense account in the amount of \$900 for attendance at the National League of Cities Annual Conference to be held in March.

MOTION by Council Member Clement seconded by Council Member Woodard to approve transfer of funds for Mayor Pro Tempore Cole-McFadden from expense accounts of Mayor Bell (\$823.61) and Council Member Clement (\$900) was approved at 7:17 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Clement, Stith and Woodard. Noes: None. Absent: None.

Mayor Pro Tempore Cole-McFadden outlined reasons for transfers. The Mayor Pro Tem noted she serves on the Board of Directors for the National Black Caucus of Local Elected Officials and during the week of February 6, she attended Washington, DC meetings in the Mayor's stead.

Mayor Bell asked if any citizen(s) or council member(s) wanted to pull any items from the Consent Agenda. No items were pulled from the Consent Agenda.

MOTION by Council Member Stith seconded by Council Member Catotti to approve the Consent Agenda was approved at 7:20 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Clement, Stith and Woodard. Noes: None. Absent: None.

[CONSENT AGENDA]

SUBJECT: APPROVAL OF CITY COUNCIL MINUTES

MOTION by Council Member Stith seconded by Council Member Catotti to approve City Council minutes for the January 17, 2006 regular City Council Meeting was approved at 7:20 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Clement, Stith and Woodard. Noes: None. Absent: None.

**SUBJECT: 2005 MUNICIPAL PRIMARY AND MUNICIPAL CITY ELECTIONS –
DURHAM COUNTY BOARD OF ELECTIONS**

To receive a report on the 2005 Municipal Election; and

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To authorize payment in the amount of \$194,186.40 to the Durham County Board of Elections for the City of Durham 2005 Municipal Primary and Municipal City Elections.

Note: This item was approved at the 2/9/06 Work Session with a vote of 6/0.

SUBJECT: PASSENGER VEHICLE FOR HIRE COMMISSION - APPOINTMENT

To appoint a citizen to fill one (1) vacancy on the Passenger Vehicle for Hire Commission with a term to expire on January 1, 2007.

Note: The City Clerk was asked to re-advertise.

SUBJECT: DURHAM BICYCLE AND PEDESTRIAN AND ADVISORY COMMISSION - APPOINTMENT

MOTION by Council Member Stith seconded by Council Member Catotti to reappoint Timothy Griffin to fill one (1) vacancy on the Durham Bicycle & Pedestrian Advisory Commission with a term to expire on August 31, 2008 was approved at 7:20 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Clement, Stith and Woodard. Noes: None. Absent: None.

SUBJECT: MULTI-JURISDICTIONAL ADVISORY BOARD - APPOINTMENT

MOTION by Council Member Stith seconded by Council Member Catotti to appoint William M. Greuling to fill one (1) vacancy on the Multi-Jurisdictional Advisory Board for a Community Representative with a term to expire on April 1, 2007 was approved at 7:20 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Clement, Stith and Woodard. Noes: None. Absent: None.

SUBJECT: DURHAM OPEN SPACE & TRAILS COMMISSION - APPOINTMENT

MOTION by Council Member Stith seconded by Council Member Catotti to appoint William S. Morrison to fill one (1) vacancy on the Durham Open Space & Trails Commission representing Ward 2 with a term to expire on June 30, 2007 was approved at 7:20 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Clement, Stith and Woodard. Noes: None. Absent: None.

SUBJECT: BIDS – ONE SEMI-AUTOMATED SIDE-LOADING REFUSE COLLECTION VEHICLE - AMICK EQUIPMENT COMPANY, INC.

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MOTION by Council Member Stith seconded by Council Member Catotti to accept the bid from Amick Equipment Company, Inc., in the amount of \$197,077, for providing the City with one Semi-Automated Side-Loading Refuse Collection Vehicle;

To authorize the City Manager to enter into a contract with Amick Equipment Company, Inc., in the amount of \$197,077, for providing the City with one Semi-Automated Side-Loading Refuse Collection Vehicle; and

To authorize the City Manager to modify the contract before execution provided that modifications do not increase the dollar amount of the contract and the modifications are consistent with the general intent of the existing version of the contract was approved at 7:20 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Clement, Stith and Woodard. Noes: None. Absent: None.

SUBJECT: BIDS – TERM CONTRACT FOR FIREFIGHTER PROTECTIVE CLOTHING - WALLY’S FIRE & SAFETY EQUIPMENT, INC.

MOTION by Council Member Stith seconded by Council Member Catotti to accept the bid from Wally’s Fire & Safety Equipment, Inc., in an amount not to exceed of \$198,000 for providing the City with Firefighter Protective Clothing;

To authorize the City Manager to enter into a contract with Wally’s Fire & Safety Equipment, Inc., in an amount not to exceed of \$198,000 for providing the City with Firefighter Protective Clothing; and

To authorize the City Manager to modify the contract before execution provided that modifications do not increase the dollar amount of the contract and the modifications are consistent with the general intent of the existing version of the contract was approved at 7:20 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Clement, Stith and Woodard. Noes: None. Absent: None.

SUBJECT: RENEWAL OF THE INTERLOCAL COOPERATION AGREEMENT FOR HISTORIC PRESERVATION PLANNING – DURHAM COUNTY

MOTION by Council Member Stith seconded by Council Member Catotti to authorize the Manager to execute the Interlocal Cooperation Agreement between Durham County and the City of Durham was approved at 7:20 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Clement, Stith and Woodard. Noes: None. Absent: None.

Staff Recommendation: Approval

Joint City-County Planning Committee – Approval

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SUBJECT: BUSINESS LOAN REPORT FOR DECEMBER 2005 – SMALL BUSINESS LOANS AND DOWNTOWN AND COMMERCIAL REVITALIZATION LOAN PROGRAM

MOTION by Council Member Stith seconded by Council Member Catotti to accept the Business Loan Report for December 2005 was approved at 7:20 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Clement, Stith and Woodard. Noes: None. Absent: None.

SUBJECT: AMENDMENT TO THE INTERLOCAL AGREEMENT WITH DURHAM COUNTY DEPARTMENT OF SOCIAL SERVICES FOR DEVELOPMENT OF 10-YEAR PLAN TO END HOMELESSNESS IN DURHAM TO EXTEND THE TERM AND INCREASE MONIES IN ORDER TO CREATE AN IMPLEMENTATION PLAN

MOTION by Council Member Stith seconded by Council Member Catotti to authorize the City Manager to execute an amendment to the Interlocal Agreement with the County of Durham Department of Social Services to modify the Scope of Work and the Funding, and to extend the Term through June 30, 2006;

To authorize an expenditure of an additional \$11,250 of FY 93-94 CDBG funds; and

To authorize the City Manager to modify the amendment before execution provided the modifications do not increase the dollar amount of the contract approved by City Council or lessen the obligations of the contractor was approved at 7:20 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Clement, Stith and Woodard. Noes: None. Absent: None.

SUBJECT: CONTROLLED SUBSTANCE DISTRIBUTION FUNDS AND FEDERAL ASSET FORFEITURE FUNDS IN THE AMOUNT OF \$124,259 FOR THE PURPOSE OF PURCHASING EQUIPMENT FOR POLICE OPERATIONS

MOTION by Council Member Stith seconded by Council Member Catotti to authorize the use of Controlled Substance Tax Distribution Funds and Federal Asset Forfeiture Funds in an amount not to exceed \$124,259 to purchase the items described in this request that are necessary to enhance Police operations and investigations was approved at 7:20 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Clement, Stith and Woodard. Noes: None. Absent: None.

SUBJECT: FEDERAL TASK TEAM INITIATIVES FY 2005

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MOTION by Council Member Stith seconded by Council Member Catotti to authorize the City Manager to accept the Federal Task Team Initiatives FY 2005 Grant by executing the grant documents; and

To adopt the Federal Task Team Initiatives FY 2005 Grant Project Ordinance in the amount of \$175,300 was approved at 7:20 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Clement, Stith and Woodard. Noes: None. Absent: None.

Ordinance #13224

SUBJECT: CITY OF DURHAM NORTH CAROLINA AND THE DEPARTMENT OF CRIME CONTROL AND PUBLIC SAFETY DURHAM INFORMATION INTEGRATION GRANT PROJECT ORDINANCE

MOTION by Council Member Stith seconded by Council Member Catotti to authorize the City Manager to accept the City of Durham North Carolina and the Department of Crime Control and Public Safety Durham Information Integration Grant by executing the grant documents; and

To adopt the City of Durham North Carolina and the Department of Crime Control and Public Safety Durham Information Integration Grant Project Ordinance FY 2004-2006, superseding Grant Project Ordinance #12992 in the amount of \$230,000 was approved at 7:20 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Clement, Stith and Woodard. Noes: None. Absent: None.

Ordinance #13225

SUBJECT: DOWNTOWN STREET IMPROVEMENTS PHASES I & II AND SELECTION OF NAME FOR THE PLAZA – CCB PLAZA

MOTION by Council Member Stith seconded by Council Member Catotti to receive an update Report on the Downtown Improvements Project; and

To adopt a resolution to Name the Downtown Plaza 'CCB Plaza' was approved at 7:20 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Clement, Stith and Woodard. Noes: None. Absent: None.

Resolution #9332

SUBJECT: DURHAM CITY COUNTY INTERLOCAL COOPERATION AGREEMENT FOR THE GEOGRAPHIC INFORMATION SYSTEM ADMINISTRATION

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MOTION by Council Member Stith seconded by Council Member Catotti to authorize the City Manager to execute the Interlocal Cooperation Agreement with the County of Durham for Geographic Information System Administration was approved at 7:20 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Clement, Stith and Woodard. Noes: None. Absent: None.

SUBJECT: ENVIRONMENTAL SYSTEMS RESEARCH INSTITUTE SOFTWARE MAINTENANCE SERVICES

MOTION by Council Member Stith seconded by Council Member Catotti to authorize the City Manager to purchase the software maintenance services provided by Environmental Systems Research institute, Inc. in the amount of \$69,668 to cover the period of one year was approved at 7:20 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Clement, Stith and Woodard. Noes: None. Absent: None.

SUBJECT: UPDATE ON DURHAM PERFORMING ARTS CENTER PROJECT

To receive a presentation on the status of the Durham Performing Arts Center project.

Note: A presentation was received at the 2/9/06 Work Session.

SUBJECT: EVALUATION AND ASSESSMENT REPORT OF THE DURHAM COMPREHENSIVE PLAN

MOTION by Council Member Stith seconded by Council Member Catotti to receive a report and direct staff to prepare amendments to the Comprehensive Plan as recommended in the report was approved at 7:20 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Clement, Stith and Woodard. Noes: None. Absent: None.

Planning Department Recommendation - Approval

Planning Commission Recommendation and Vote: Forward the Report to Council (13-0)

SUBJECT: DURHAM VOTER COALITION

To receive comments from Melvin Whitley requesting that more restrictions be placed on those who can purchase bullets and that they provide proof of license to have a gun.

Note: Citizens comments were received at the 2/9/06 Work Session.

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SUBJECT: STATE OF NORTH CAROLINA, DEPARTMENT OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION GANG PREVENTION FUNDS FOR LAW ENFORCEMENT AGENCIES GRANT AWARD

MOTION by Council Member Stith seconded by Council Member Catotti to adopt the State of North Carolina, Department of Juvenile Justice and Delinquency Prevention Gang Prevention Funds for Law Enforcement Agencies Grant Project Ordinance, in the amount of \$40,000; and

To authorize the City Manager to accept the State of North Carolina, Department of Juvenile Justice and Delinquency Prevention Gang Prevention Funds for Law Enforcement Agencies Grant by executing the grant documents was approved at 7:20 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Clement, Stith and Woodard. Noes: None. Absent: None.

Ordinance #13226

SUBJECT: DURHAM PERFORMING ARTS CENTER – PHILIP SZOSTAK ASSOCIATES CONTRACT AMENDMENT

MOTION by Council Member Stith seconded by Council Member Catotti to authorize the City Manager to negotiate and execute a contract amendment to the Professional Services Contract with Philip Szostak Associates reducing the scope of bid-phase services by \$123,140, and adding services, consistently with the agenda memo, as long as the total contract amount will remain unchanged at \$2,279,205 and the intent of the contract amendment is not changed was approved at 7:20 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Clement, Stith and Woodard. Noes: None. Absent: None.

SUBJECT: CAPITAL PROGRAM ADVISORY COMMITTEE – RECEIPT AND ACCEPTANCE OF APPLICATIONS

MOTION by Council Member Stith seconded by Council Member Catotti to receive and accept applications for citizens to fill nine (9) vacancies on the Capital Program Advisory Committee with terms expiring on January 31, 2008 was approved at 7:20 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Clement, Stith and Woodard. Noes: None. Absent: None.

Council Member Clement welcomed District Attorney Michael Nifong.

[GENERAL BUSINESS AGENDA – PUBLIC HEARINGS]

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SUBJECT: ZONING MAP CHANGE – OLD OXFORD HILLS - (P04-21) – JOHN R. MCADAMS COMPANY, INC. – WEST SIDE OF OLD OXFORD ROAD, ACROSS FROM HAMLIN ROAD

To receive public comments on the zoning map change for Old Oxford Hills (P04-21);

To adopt an ordinance amending the Unified Development Ordinance, the same being Chapter 24 of the Durham City Code, by taking the described property in zoning map change Case P04-21 out of IL and placing same in and establishing same as CC(D) and CN(D); F/J-B;

To adopt as support for its action on the proposed zoning map change the determinations that the action is consistent with the Comprehensive Plan and is reasonable and in the public interest in light of information presented in the public hearing and in the accompanying agenda materials.

Planning Department Recommendation: Approval, based on consistency with the Comprehensive Plan and the information contained in this report.

Planning Commission Recommendation and Vote: Denial, 11-1, based on their prior recommendation of denial of the Plan Amendment and the need to preserve Industrial sites for the future.

City/County Planning Director Frank Duke acknowledged he has the required certification that this zoning map change was appropriately noticed and posted. Mr. Duke briefed Council on the staff report stating a development plan is associated with this item. He gave an overview of committed elements shown on page 2 of staff report: maximum square footage, relocation of a rare plant species, underlying diabase soil located in the portion of the Catsburg Remnant Glade, pedestrian connections from the shopping center to adjacent streets, driveway access is not allowed on Old Oxford Road, provision for additional road improvements: dedication of right-of-way and TIA required road improvements. He noted the request is consistent with the Comprehensive Plan and the infrastructure in the area will accommodate the requested change. Mr. Duke noted based on consistency with the Comprehensive Plan as well as the information contained the staff report staff is recommending approval and the Planning Commission recommended denial of the request based on their prior recommendation of denial of the Plan Amendment.

Mayor Bell opened the public hearing.

Proponents

Patrick Byker, representing the applicant, spoke in support of this zoning map change. He outlined three reasons why Council should support this rezoning: 1) project will facilitate the extension of Carver Street; 2) area needs new investment and some new job opportunities; and 3) neighborhood retail center would provide important support for industrial base—retain important good quality jobs in this area of Durham. He outlined employers who support this project and urged Council to support this request.

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Rob Evans, of North Carolina Department of Agriculture, noted this site has a state rare species and given the current situation at the site it appears that protecting those species on the site as they are now is not necessarily possible. He noted his office is working with everyone to consider the best possible means of transplanting the rare species from that site to other protected areas in the vicinity.

Steven Yova, of 100 Rodolphe Street/representing BioMerieux, Inc., spoke in support of this zoning map change. He noted his company has 540 employees and this proposal would improve the gridlock and make it a lot easier for employees to access restaurants and provide the Carver Street extension which would be a good connector for employees to travel to work.

Matt Reavis, of 602 Craven Street, spoke in support of this item. He noted this area really needs some positive businesses to help build the neighborhood. He urged Council to approve this item because it would be wonderful for the community and would provide more jobs for the teenagers.

Patrick Byker, representing the applicant, offered two additional committed elements.

1. Support the efforts of the North Carolina Department of Agriculture and Consumer Services, Plant Industry Division ("NCDA") and the North Carolina Botanical Garden ("NCBG") to relocate the rare and native species of plants (the "Plant Relocation"), within the Catsburg Remnant Glade located along Old Oxford Road on this site by obtaining the necessary approvals from NCDA, providing NCDA and NCBG access to the site in connection with the Plant Relocation, and providing funding not to exceed \$10,000.00 for NCDA and the NCBG to accomplish the Plant Relocation, with a copy of the executed written agreement to support the Plant Relocation and provide such funding submitted to the Planning Department prior to any site plan approval.
2. Utilize the parking lot landscaping standards of the Unified Development Plan in the design of the parking lot.

City/County Planning Director Frank Duke noted the first committed element is not a new one, but a replacement for the 2nd committed element currently shown in the staff report.

No one spoke in opposition to this zoning map change.

MOTION by Council Member Clement seconded by Mayor Pro Tempore Cole-McFadden to receive public comments on the zoning map change for Old Oxford Hills (P04-21);

To adopt an ordinance amending the Unified Development Ordinance, the same being Chapter 24 of the Durham City Code, by taking the described property in zoning map change Case P04-21 out of IL and placing same in and establishing same as CC(D) and CN(D); F/J-B;

To adopt as support for its action on the proposed zoning map change the determinations that the action is consistent with the Comprehensive Plan and is reasonable and in the public interest in light of information presented in the public hearing and in the accompanying agenda materials

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was approved at 7:34 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Clement, Stith and Woodard. Noes: None. Absent: None.

Ordinance #13227

**SUBJECT: THE CITY'S PROPOSED USE OF THE 2006 EDWARD J. BYRNE
MEMORIAL JUSTICE ASSISTANCE GRANT (JAG) FUNDS**

To receive public comments on the City's proposed use of the 2006 Edward J. Byrne Memorial Justice Assistance Grant (JAG) Funds; and

To authorize the City Manager to execute an interlocal agreement between the County and City of Durham required for the submission of a joint application for the JAG award.

Jesse Burwell, of the Police Department, made comments on the grant received from the Department of Justice totaling \$143,662 and stated the amount would be shared 50/50 with the County. He noted the City's share is \$71,831 highlighting \$59,331 for the District Attorney's Gang Prosecution Program and \$12,500 to support the District PACs Crime Prevention Commission. Also, he discussed how the County would be using its funds.

Mayor Pro Tempore Cole-McFadden asked District Attorney Nifong what is the total number of gang prosecutors and how effective has the prosecutor been.

District Attorney Nifong noted there is a gang prosecutor that has been funded by a City grant that is scheduled to expire in September and this money would not give us an additional prosecutor, but would allow us to keep a prosecutor.

Mayor Bell opened the public hearing.

Sheryl Smith, of Naples Place, noted she opposes this item because she does not see what they are doing and there is no need for police officers to continue to arrest gang members if the DA's Office is going to let them go. She noted the main two individuals are still on the street that murdered her son and these brothers continue to terrorize the community. She noted all funds should be stopped unless these individuals are off the street and all eight individuals involved should be arrested.

Virginia Evans spoke in opposition to this item. She expressed concern that her nephew was murdered and that all eight individuals should be charged with murdering him.

District Attorney Nifong made comments regarding Ms. Smith's contact with Prosecutor Tracie Klein who has been assigned to this case and Ms. Smith has indicated there are additional individuals that should be charged and Ms. Klein's position is that there is insufficient evidence at this time. He noted he would be willing to discuss this matter with her. He pointed out that the gang prosecutor in Durham is not directly involved with homicides; gang prosecutor

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coordinates efforts with law enforcement to deal with gang suppression, information gathering, and gang intervention at different levels. He noted most of the efforts have been applied to try to stop gang activities by getting involved with the gang situation, and to deal with gang members at an earlier stage to get them involved with other activities.

Mayor Pro Tempore Cole-McFadden noted she has some misunderstanding about the gang prosecutor position. She requested a report on accomplishments that this position has had over the present funding period.

District Attorney Nifong noted a timesheet is completed for the Federal government every two weeks indicating what she has been doing.

Council Member Stith expressed concern regarding the duties of the gang prosecutor noting he thought this position was to help with prosecuting.

District Attorney Nifong stated we still accomplish that function. He noted gang prosecutors indict gang members, but that is not their entire job—part of the job is to become proactive and work with the local community and law enforcement to prevent gang activity.

Council Member Stith requested that this item be referred to the February 23, 2006 Work Session to receive more information on this position and to get a better idea on what the prosecutor is accomplishing.

Jesse Burwell, of the Police Department, noted the application has to be submitted by March 2, 2006.

Mayor Bell asked District Attorney Nifong to provide Council with a description on how these funds would be applied.

Council Member Woodard requested staff to provide additional information on the District PAC Crime Prevention Initiatives.

MOTION by Council Member Clement seconded by Council Member Woodard to continue the public hearing on this item to the February 23, 2006 City Council Work Session was approved at 7:53 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Clement, Stith and Woodard. Noes: None. Absent: None.

Council Member Clement recognized Boy Scout Troop 476.

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There being no further business to come before the City Council, the meeting was adjourned at 7:54 p.m.

Linda E. Bratcher
Deputy City Clerk

D. Ann Gray, CMC
City Clerk